

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATTHEW EDWARD NORTON,

Petitioner,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION,

Respondent.

Case No. 2:23-cv-01762-JDP (HC)

**ORDER**

DIRECTING THE CLERK OF COURT TO  
RANDOMLY ASSIGN A DISTRICT JUDGE  
TO THIS MATTER

**FINDINGS AND RECOMMENDATIONS**

THAT THE PETITION BE DISMISSED  
WITHOUT PREJUDICE FOR FAILURE TO  
PROSECUTE AND FAILURE TO COMPLY  
WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On November 2, 2023, I screened petitioner's petition for writ of habeas corpus and notified him that it failed to state a viable claim. ECF No. 5. I granted him thirty days to file an amended petition. *Id.* On December 26, 2023, after petitioner failed to timely file an amended petition, I ordered him to show cause within twenty-one days why this action should not be dismissed for his failure to prosecute. ECF No. 6. I notified him that if he wished to continue with this action he must, within twenty-one days, file an amended petition. *Id.* I also warned him that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and petitioner has neither filed an amended petition nor  
2 otherwise responded to the December 26, 2023 order.

3 Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a  
4 United States District Judge to this case.

5 Further, it is hereby RECOMMENDED that:

6 1. This action be dismissed without prejudice for failure to prosecute and failure to  
7 comply with court orders, for the reasons set forth in the court's December 26, 2023 order.

8 2. The Clerk of Court be directed to close the case.

9 These findings and recommendations are submitted to the United States District Judge  
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of  
11 service of these findings and recommendations, any party may file written objections with the  
12 court and serve a copy on all parties. Such document should be captioned "Objections to  
13 Magistrate Judge's Findings and Recommendations." Any response shall be served and filed  
14 within fourteen days of service of the objections. The parties are advised that failure to file  
15 objections within the specified time may waive the right to appeal the District Court's order.  
16 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.  
17 1991).

18 IT IS SO ORDERED.  
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20 Dated: February 5, 2024

  
21 JEREMY D. PETERSON  
22 UNITED STATES MAGISTRATE JUDGE  
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